

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DAVID PORTNOY,

Plaintiff,

v.

INSIDER, INC., HENRY BLODGET, NICHOLAS  
CARLSON, JULIA BLACK, and MELKORKA LICEA,

Defendants.

Case No. 1:22-cv-10197

**DECLARATION OF RACHEL STROM IN SUPPORT OF DEFENDANTS' REQUEST  
FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS THE COMPLAINT**

I, Rachel F. Strom, declare as follows:

1. I am an attorney with the firm of Davis Wright Tremaine LLP and one of the attorneys representing Defendants Insider, Inc., Henry Blodget, Nicholas Carlson, Julia Black, and Melkorka Licea (collectively, "Defendants"). I make this declaration based on personal knowledge, except where specified as made on information and belief. If called, I would testify competently thereto.

2. Attached hereto as **Exhibit 2** is a true and correct copy of an Editor's Note by Nicholas Carlson titled "*Editor's Note on Insider's Dave Portnoy articles*," which I caused to be printed on April 11, 2022 from <https://www.businessinsider.com/why-insider-published-its-dave-portnoy-articles-2022-2>.

3. Concurrently lodged with the Court as **Exhibit 3** is a DVD containing a true and correct copy of a November 11, 2021 press-conference-style YouTube video titled "Dave Portnoy Exposes Business Insider Hit Piece," which I caused to be downloaded from <https://www.youtube.com/watch?v=UW85j-7MAow> ("Press Conference"). The Press

Conference is referred to in paragraph 51 of the Complaint, and depicts Portnoy's response to the First Article that Portnoy challenges in the above-captioned lawsuit and is described in the Second Article that Portnoy challenges in this lawsuit. As of the date of filing of this declaration, the Press Conference remains available to the public at the website listed above. The DVD is provided for the Court's convenience.

4. Attached hereto as **Exhibit 4** is a transcript of the Press Conference that I caused to be prepared by my firm's word processing department. While the online video of the Press Conference is the best evidence of its existence and content, this transcript is provided for the Court's convenience in reviewing the approximately hour-long video.

5. Attached hereto as **Exhibit 5** is a true and correct copy of a police report that I am informed, and therefore believe, was obtained from the Nantucket Police Department pursuant to the Massachusetts Public Records Law. Exhibit 5 bears limited redactions to remove David Portnoy's residential address.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Rachel F. Strom  
Rachel F. Strom

Dated: April 11, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that the within document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

/s/ Rachel F. Strom  
Rachel F. Strom

Dated: April 11, 2022